

**AN ORDINANCE
BY COUNCILMEMBER CEASAR MITCHELL**

06-O-0787

**AS SUBSTITUTED AND AMENDED
BY: FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ATLANTA, GEORGIA BY ADDING TO SECTION 2-183; DEPARTMENT HEADS UNDER SUPERVISION AND DIRECTION OF THE MAYOR; EXCEPTION; RESPONSIBILITIES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of Atlanta, Georgia adopted ordinance 98-O-0761 (Attachment 1) May 4, 1998 to require departments and bureaus to file with the City's Municipal Clerk all reports they receive from regulatory agencies relating to audit, performance and investigations; and

WHEREAS, the City Council of Atlanta, Georgia adopted ordinance 05-O-1099(Attachment 2) June 20, 2005 to further provide that the Municipal Clerk shall notify all Councilmembers when such reports are received; and

WHEREAS, the City Council wishes to ensure that the intent expressed within these adopted ordinances are codified.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, AS FOLLOWS:

Section 1: Section 2-183 of the Code of Ordinances of the City of Atlanta, Georgia which presently provides as follows:

Sec. 2-183. Department heads under supervision and direction of mayor; exception; responsibilities.

(a) The department heads of each of the departments, with the exception of the heads of the departments of finance and law, shall be under the direction and supervision of the mayor. The departments of finance and law shall be responsible jointly to the mayor and council. Each department head shall be responsible for the detailed administration and direction of the affairs and operation of the department and the bureaus and offices under his or her supervision, shall exercise both detailed and general management and control thereof, and shall direct and supervise the detailed operations of the respective bureau and office directors under their jurisdiction.

(b) (1) Notwithstanding the provisions contained in subsection (a) above, any department, bureau, division, office, individual or other unit of city government shall, within two business days of the receipt of any request made pursuant to the Georgia Open Records Act, forward such request to the municipal clerk by hand-delivery to the office of the municipal clerk or via e-mail to municipalclerk@atlantaga.gov. The municipal clerk, upon receipt of any such open records request, shall so notify the president and members of council.

(2) Each department, bureau, division, office, individual or other unit of city government, in receipt of any such open records request, shall forward a copy of the open records response cover letter and a detailed list of the documents made available to the requestor, to the municipal clerk by hand-delivery to the office of the municipal clerk or via e-mail to municipalclerk@atlantaga.gov within two business days of response to such request. The municipal clerk, upon receipt of any such open records request response, shall so notify the president and members of council.

(3) The municipal clerk shall provide a copy of any open records request and response thereto, upon the request of the president or any councilmember.

is hereby amended by adding a new subsection (c) which shall provide as follows:

(c) Notwithstanding the requirements of this section, within five (5) business days of receipt by the City of a report or correspondence from a regulatory agency relating to audit, performance or investigation, the mayor shall file with the municipal clerk a written notice indicating that such report or correspondence has been received by the City. The municipal clerk, upon receipt of such notice, shall notify the president and members of council.

As used in this section, the term "City" shall include the mayor and members of the mayor's staff or any department, bureau, office, individual or other unit of city government.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

AMENDMENT FORM

COMMITTEE: FINANCE/EXECUTIVE

PAGE NUMBER(S): _____

ORDINANCE I.D. # (S): 06-0-0787

SECTION #: 1 (3) (C)

RESOLUTION I.D. #: _____

PARAGRAPH: _____

DATE: 10/10/7

INITIAL: JP

~~Section~~ Section (3)(C) delete "48 hours" and replace
with 5 business days

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06-O-0787

**AS SUBSTITUTED (10/10/07)
BY: FINANCE/EXECUTIVE COMMITTEE**

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WHEREAS, the City Council wishes to ensure *that the intent expressed within* these adopted ordinances *is* codified.

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(b) (1) Notwithstanding the provisions contained in subsection (a) above, any department, bureau, division, office, individual or other unit of city government shall, within two business days of the receipt of any request made pursuant to the Georgia Open Records Act, forward such request to the municipal clerk by hand-delivery to the office of the municipal clerk or via e-mail to municipalclerk@atlantaga.gov. The municipal clerk, upon receipt of any such open records request, shall so notify the president and members of council.

(2) Each department, bureau, division, office, individual or other unit of city government, in receipt of any such open records request, shall forward a copy of the open records response cover letter and a detailed list of the documents made available to the requestor, to the municipal clerk by hand-delivery to the office of the municipal clerk or via e-mail to municipalclerk@atlantaga.gov within two business days of response to such request. The municipal clerk, upon receipt of any such open records request response, shall so notify the president and members of council.

(3) The municipal clerk shall provide a copy of any open records request and response thereto, upon the request of the president or any councilmember.

is hereby amended by adding a new subsection (c) which shall provide as follows:

(c) Notwithstanding the requirements of this section, within 48 hours of receipt by the City of a report or correspondence from a regulatory agency relating to audit, performance or investigation, the mayor shall file with the municipal clerk a written notice indicating that such report or correspondence has been received by the City. *The municipal clerk, upon receipt of such notice, shall notify the president and members of council.*

As used in this section, the term "City" shall include the mayor and members of the mayor's staff or any department, bureau, division, office, individual or other unit of city government.

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

**AN ORDINANCE
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06-O-0787

**AS SUBSTITUTED (2)
BY: FINANCE/EXECUTIVE COMMITTEE**

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(c) Notwithstanding the requirements of this section, within 48 hours of receipt by the City of a report or correspondence from a regulatory agency relating to audit, performance or investigation, the Mayor shall file with the City's Municipal Clerk a written notice indicating that such report or correspondence has been received by the City. As used in this section, the term "City" shall include the Mayor, department head or City employee.

Section 2: Section 2-307 of the Code of Ordinances of the City of Atlanta which presently provides as follows:

Section 2-307. Municipal clerk.

(a) There shall be a municipal clerk, who shall be appointed and removed by the council in accordance with this section. To be eligible to occupy this position, the municipal clerk must be designated a certified municipal clerk by the Georgia Municipal Association and the Georgia Finance Officers Association, or by an equivalent certifying agency from another state, or must receive such certification within one year following his or her appointment. The municipal clerk shall be appointed and removed at the pleasure of the council upon a majority vote of its membership. The municipal clerk need not be a resident of the city at the time of his or her appointment but shall establish residence in the city at the time of appointment and continue to reside in the city throughout such appointment.

(b) The municipal clerk shall be the custodian of the official seal and of all records and documents of the city which are not assigned to the custody of some other officer. The clerk, or his or her designee, shall keep the rules of the council and the minutes of the proceedings of the council, maintain a current and comprehensive index of all ordinances and resolutions, publish notice of ordinances proposed for adoption under rules prescribed by council or required by this Charter or law, and perform such other duties as may be assigned by this Charter or by ordinance.

(c) The municipal clerk shall be responsible to the council and perform the duties of his or her office under the direction and supervision of the president of the council and the committee designated by the council, acting through its chairperson.

is hereby amended by adding a new subsection (d) which shall provide as follows:

(d) The Municipal Clerk shall notify the Council President, Chair of the Committee of Purview, all Councilmembers and the Director of Council Staff of any said notices received pursuant to 2-183 from the Mayor, Departments or City employees as provided by regulatory agencies relating to audit, performance and investigations.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

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Section 2: That Section 2-307 of the Code of the City of Atlanta be amended to read as follows:

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(a) There shall be a municipal clerk, who shall be appointed and removed by the council in accordance with this section. To be eligible to occupy this position, the municipal clerk must be designated a certified municipal clerk by the Georgia Municipal Association and the Georgia Finance Officers Association, or by an equivalent certifying agency from another state, or must receive such certification within one year following his or her appointment. The municipal clerk shall be appointed and removed at the pleasure of the council upon a majority vote of its membership. The municipal clerk need not be a resident of the city at the time of his or her appointment but shall establish residence in the city at the time of appointment and continue to reside in the city throughout such appointment.

(b) The municipal clerk shall be the custodian of the official seal and of all records and documents of the city which are not assigned to the custody of some other officer. The clerk, or his or her designee, shall keep the rules of the council and the minutes of the proceedings of the council, maintain a current and comprehensive index of all ordinances and resolutions, publish notice of ordinances proposed for adoption under rules prescribed by council or required by this Charter or law, and perform such other duties as may be assigned by this Charter or by ordinance.

(c) The municipal clerk shall be responsible to the council and perform the duties of his or her office under the direction and supervision of the president of the council and the committee designated by the council, acting through its chairperson.

(d) The Municipal Clerk shall notify the Council President, Chair of the Committee of Purview, all Councilmembers and the Director of Council Staff of any said notices received pursuant to 2-183 from the Mayor, Departments or City employees as provided by regulatory agencies relating to audit, performance and investigations.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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(d) The Municipal Clerk shall notify the Council President, Chair of the Committee of Purview, all Councilmembers and the Director of Council Staff of any said notices received pursuant to 2-183 from the Mayor, Departments or City employees as provided by regulatory agencies relating to audit, performance and investigations, within 48 hours of receipt of such reports.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.